

**MINUTES
OF
ADMINISTRATIVE APPEALS COMMITTEE
February 21, 2017 at 10:37 A.M., E.T.
Board Room
Perimeter Park West, 1270 Louisville Road
Frankfort, KY 40601**

At the meeting of the Administrative Appeals Committee, held on February 21, 2017, the following members were present: Ed Davis, Chair, David Rich and Donna Shelton, Proxy on behalf of Thomas Stephens.

In addition, those present were Becky Stephens, KRS, Liza Welch, KRS, Joseph Bowman, KRS, Alan Hurst, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Shelton, seconded by Mr. Rich, and carried to approve the Minutes of the December 21, 2016 Administrative Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the administrative appeals of Administrative Action Numbers: 16-A-01, 16-T-01, 15-PS-28, 14-PS-09, 16-T-06, 16-T-03, 16-T-05 and 16-A-04.

Following discussion in closed session, the Committee returned to open session, whereafter the following transpired.

It was moved by Ms. Shelton, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order granting summary judgement and any exceptions duly filed, in the case of Administrative Action Number: 16-A-01, to accept the Hearing Officer's Report Granting Summary Judgement, as modified in the Board Final Order, and to affirm Kentucky Retirement Systems' determination that claimant was reemployed in violation of KRS 61.637(17)(a) and 105 KAR 1:390(6), thereby voiding her retirement and requiring a repayment of \$8,798.04.

It was moved by Mr. Rich, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 16-T-01, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to discontinue claimant's disability retirement benefits.

It was moved by Ms. Shelton, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 15-PS-28, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to sustain Kentucky Retirement Systems' determination of pension spiking pursuant to KRS 61.598 and 105 KAR 1:140 Section 8 (9) requiring claimant(s), as the last employers prior to member's retirement, to remit to Kentucky Retirement Systems the actuarial cost of the pension spike in the amount of \$24,419.77 per employer.

It was moved by Mr. Rich, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 14-PS-09, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's appeal and sustain Kentucky Retirement Systems' determination that claimant is required to pay actuarial costs associated with the increase in creditable compensation pursuant to KRS 61.598.

It was moved by Ms. Shelton, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 16-T-06, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to continue claimant's disability retirement benefits, with a review in four years.

It was moved by Mr. Rich, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 16-T-03, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to continue claimant's disability retirement benefits, with a review in two years.
